

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA)	
)	
v.)	4:05CR37-007
)	
JOSEPH BUTLER)	

**RESPONSE OF THE UNITED STATES
TO MOTION FOR MODIFICATION OF SENTENCE**

The United States of America, by and through undersigned counsel, hereby files its response to the defendant's motion, and this Court's March 20, 2018, Order, regarding a modification of the defendant's sentence pursuant to Title 18, United States Code, Section 3582(c)(2), and U.S.S.G. § 1B1.10. The United States does not oppose a reduction in the defendant's sentence on count one from 360 months to 324 months, in all other respects his sentence should remain the same.

I. Background

On July 12, 2005, the defendant pled guilty to conspiracy to possess with intent to distribute and distribution of more than 50 grams of cocaine base and 500 grams of cocaine (count one). In calculating the defendant's guideline range, the probation officer determined that the defendant was accountable for 8,934 grams of cocaine base and 16,858 grams of cocaine. This placed the defendant at a base offense level of 38. Two levels were added for possession of a firearm raising the offense level to 40. With a criminal history category of IV his advisory guideline range was 360 months to life imprisonment. On January 5, 2006, the defendant was sentenced to 360 months imprisonment.

Based on Amendment 782 to the United States Sentencing Guidelines, the defendant's revised guidelines are as follows:

Offense Level Total	38 (36 +2 = 38)
Criminal History Category	IV
Guideline Range of Imprisonment	324 - 405 months

Because the defendant's advisory guideline range has been reduced, he is eligible for a sentence reduction. His original sentence of 360 months was at the low end of the guideline range and thus, a comparable adjustment from the amended guideline under Amendment 782 would result in a sentence of 324 months. Therefore, the Government does not oppose a reduction of the defendant's sentence from 360 months to 324 months on count one.

TRACY DOHERTY-MCCORMICK
ACTING UNITED STATES ATTORNEY

By: _____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April, 2018 I filed the foregoing Response of the United States to Defendant's Motion for Modification of Sentence with the Clerk of Court via the ECF system. I further certify that I have mailed a copy of the pleading to:

Joseph Butler, Reg. No.: 56260-083
LEGAL MAIL
Low Security Correctional Institution
P.O. BOX 999
Butner, NC 27509

Amber Kidd, Supervisory U. S. Probation Officer
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/s/

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